

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL REVISION APPLICATION NO.75 OF 2006.

Sadashiv Dhondi Jadhav.

... Applicant.

vs.

Popat Pandurang Jadhav & others.

.... Respondents

Mr.S.A.Rajeshirke, for Applicant.

Mr. P.S.Hingorani, APP for the State.

CORAM: R.S.Mohite, J

DATED: 16th February, 2006

P.C.:-

1. This is a Revision filed by a private complainant impugning the judgment and order passed by the J.M.F.C., Atpadi, Dist. Sangli on 23.11.2005 acquitting the accused from offence under Section 324, 323, 504 r/w. 34 of I.P.C. The State has not filed any appeal against this impugned judgment and order so far.
2. Perusal of the judgment and order shows that it is passed on the cogent evidence on record. There are important omissions on record

in the evidence of P.W.1 Sadashiv Jadhav and P.W.2 who is another injured by name Vimal Sule. All those omissions have been proved through the evidence of the Investigating Officer who is a Head Constable. The complainant has not stated before the police that all the accused had come alongwith the sticks and the accused beat him on head and his daughter by means of the stones. Similarly, P.W.2 has stated in his evidence that accused no.2 and 3 came alongwith the sticks and that she was beaten by means of stones. Apart from these, two sticks have been used for beating, however, three sticks have been produced by the prosecution. P.W.5 admitted that the complainant had not shown him the Dhoti and the Cap which are said to have been blood stained. C.A. report is not filed to show that there was blood on the sticks. In the circumstances, the view taken is a possible view and it is not a fit case for re-trial. Hence, the revision is rejected. However, it is made clear that the rejection of this revision may not come in the way of the State to file appeal, if they desire to file one.

(R.S.Mohite, J.)
